

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

Rite Aid Store #6473,

Employer,

And

Matthew Silcox, an Individual,

Petitioner,

and UFCW Local 1167,

Union.

Case No. 31-RD-1578

**EMPLOYER'S REQUEST FOR AN EXTENSION OF TIME
TO FILE REQUEST FOR REVIEW**

Pursuant to NLRB Rules and Regulations, Section 102.111(b), Rite Aid requests a ten (10) day extension of time to file its Request for Review of the Regional Director's Order Dismissing Petition. The Request for Review is currently due Friday, February 29, 2008. The Employer requests an extension until Monday, March 10, 2008.

An extension is necessary due to the unique issues involved in this case. This case involves a decertification petition filed by Petitioner after the Employer and the Union entered into a recognition agreement at a store where Petitioner was employed. While the case appears to be governed by the principles of *Dana Corp.*, 351 NLRB No. 28 (2007), the Region declined to follow *Dana Corp.* and dismissed the petition without a hearing. The Employer


believes the Regional Director's Order Dismissing Petition is contrary to the applicable law. The Employer intends to set forth reasons why the Board should follow its principles set forth in *Dana Corp.* under the facts and circumstances of this case. The Employer also will address the Region's apparent belief that this case is distinguishable from *Dana Corp.*

In addition, although the Regional Director signed the Order Dismissing Petition on February 15, 2008, the Employer did not receive a copy of it until February 20, 2008. The Employer needs additional time to submit its written position to explain why the Petition should not have been dismissed.

WHEREFORE, the Employer respectfully requests a ten (10) day extension to and including March 10, 2008, to file its Request for Review of the Regional Director's Order Dismissing Petition.

DATED: February 20, 2008.

BULLARD SMITH JERNSTEDT WILSON

By 

Richard J. Alli, Jr.
Adam S. Collier
Attorneys for Employer
Rite Aid Store #6473

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Portland, OR 97205
503-248-1134/Telephone
503-224-8851/Facsimile

CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2008 I served the foregoing **EMPLOYER'S**

REQUEST FOR EXTENSION OF TIME TO FILE REQUEST FOR REVIEW on:

Executive Secretary
National Labor Relations Board
1099 14th Street NW
Washington, DC 20570-0001
Facsimile: (202) 273-4270

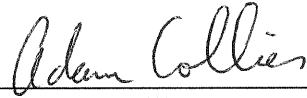
Mr. James J. McDermott
Regional Director
National Labor Relations Board, Region 31
11150 W Olympic Blvd., Suite 700
Los Angeles, CA 90064-1824
Facsimile: (310) 235-7420

Matthew Silcox
12337 Sixth Avenue
Victorville, CA 92395
Individual Petitioner Pro Se

UFCW, Local 1167
Attention: Bill Grant, Union Representative
855 West San Bernardino
PO Box 1167
Bloomington, CA 92316
Facsimile: (909) 877-5986

- ☒ by **mailing** a true and correct copy to the last known address of each person listed. It was contained in a sealed envelope, with postage paid, addressed as stated above, and deposited with the U.S. Postal Service in Portland, Oregon.
- ☐ by causing a true and correct copy to be **hand-delivered** to the last known address of each person listed. It was contained in a sealed envelope and addressed as stated above.
- ☐ by causing a true and correct copy to be delivered **via overnight courier** to the last known address of each person listed. It was contained in a sealed envelope, with courier fees paid, and addressed as stated above.
- ☒ by **faxing** a true and correct copy to the last known facsimile number of each person listed, with confirmation of delivery. It was addressed as stated above.

☒ by **emailing** a true and correct copy to the last known email address of each person listed, with confirmation of delivery.



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